



South Florida Water Management District

GOVERNING BOARD MEETING MINUTES

December 13, 2007

9:00 AM

Palm Beach County Convention Center - Rooms 2 A, B & C
650 Okeechobee Blvd.

West Palm Beach, FL 33401

Members Present:

Eric Buermann, Chair

Michael Collins

Charles Dauray

Shannon Estenoz

Nicolás Gutiérrez, Vice-Chair

Melissa Meeker

Patrick Rooney

Harkley Thornton

Malcolm Wade

1. Call to Order - Eric Buermann, Chairman, Governing Board

Chair Buermann called the meeting to order at 1:30 pm.

2. Pledge of Allegiance - Chair, Governing Board

Chair Buermann lead the group in the Pledge of Allegiance.

3. Joint Session with Palm Beach County Board of County Commissioners

See minutes for Joint Session.

4. Agenda Addendum

Annette Carter, Director, Office of Board and Executive Services, announced the agenda addendum. Copies were made available to the public.

5. Abstentions by Board Members from items on the Agenda

Mr. Wade announced his abstention of Regulatory Consent Agenda Item 9, Page 7 #3, Port Mayaca Plantation (Application #070619-16); Regulatory Consent Agenda Item 9, Page 15 #15, Pelican Lake Water Control District (Application #070613-9); Regulatory Consent Agenda Item 9, Page 16 #19, South Florida Conservancy District (Application #070613-8).

Ms. Estenoz announced her abstention on the Discussion Agenda Item 63.

Consent Agenda

6. Public Comment on Consent Agenda

Public Comment: Panagoti Tsolkas, Palm Beach County Environmental Coalition, opposes Consent Agenda Item 25.

Public Comment: Kevin McCarthy, Hendry County, thanked the Board for their support on Consent Agenda Item 24.

Public Comment: Drew Martin, Sierra Club, commented on the Gulfstream pipeline and requested the Board reconsider Consent Agenda Item 25.

Public Comment: Sharon Waite, citizen, opposes Agenda Item 25 and said the pipeline will be damaging.

Public Comment: Alex Larsen, citizen, commented on the five-year plan, increased population, golf courses using reclaimed water, Gulfstream Pipeline, and land acquisitions.

7. Pull Items for Discussion from Governing Board Meeting Agenda

There were no items pulled from the Consent Agenda to the Discussion Agenda.

8. Board Comment on Consent Agenda

There was no Board comment on the Consent Agenda.

Water Resources

9. Water Use Permit Applications

Surface Water Management Permit Applications (includes Conservation Easements)

Environmental Resource Permit Applications (includes Conservation Easements)

Everglades Works of the District Permit Applications

Lake Okeechobee SWIM Works of the District Permit Applications

Denials

Consent Agreements

Conservation Easements

Environmental Resource Permit Extensions

Surface Water Permit Extensions

Enforcement Actions

Page 1 No 1 City of Dania Beach (WU): **Postponed** to April Board

Page 1 No 2 Hallandale Beach Public Water Supply (WU): **Postponed** to April Board

Page 1 No 3 WS McJunkin (WU): **Postponed**

Page 2 No 2 Lely Estates Community (WU): **Postponed** to January Board

Page 2 No 3 Naples Reserve Golf Club (Farm) (WU): **Postponed** to April Board

Page 2 No 4 Novartis Seeds (WU): **Postponed**

Page 3 No 5 Pelican Bay/Mule Pen Quarry Supplemental Reclaimed (WU): **Postponed** to January Board

Page 8 No 2 Gabriel POU Property Project (NW 112th Ave) (ERP): **Postponed** to January Board

Page 9 No 5 TUR Corporation (WU): **Removed** from agenda

Page 11 No 2 Reunion Resort West Village (WU): **Postponed**

Page 12 No 2 45th Street from Jog Road to Haverhill Road (WU): **Postponed** to January Board

Page 14 No 9 Cypress Lake Homeowners Association (WU): **Postponed** to January Board

Page 14 No 10 Everglades Club (WU): **Postponed** to January Board

Page 15 No 13 Morningstar Nursery (WU): **Postponed** to January Board

Page 16 No 18 Seminole Water Treatment Plant (WU): **Postponed** to January Board

Page 18 No 3 Tesoro (WU): **Postponed** to February Board

Page 19 No 5 Triangle Cattle (WU): **Withdrawn**

Page 20 No 2 Hines Nursery (WU Denial): **Postponed** to January Board

Page 24 No 2 Interval Resort Club (WU Denial): **Postponed** to January Board

Page 25 No 5 Riverbend Golf (WU Denial): **Postponed** to January Board

Page 25 No 7 Waterman Farms (WU Denial): **Removed** from agenda

10. Right of Way Occupancy New Permits

Right of Way Occupancy Permit Modifications

Right of Way Occupancy Permit Requests with Waiver of District Criteria

11. Enter Final Orders Concurring with the Granting of Temporary Variances from Water Shortage Restrictions Imposed within the Lower East Coast, Lake Okeechobee Service Area, Upper East Coast and Lower West Coast (Terrie Bates, ext. 6952)

12. Enter Final Orders Denying Applications for Variances from Water Shortage Restrictions Imposed within the Lower East Coast, Lake Okeechobee Service Area, Upper East Coast and Lower West Coast (Terrie Bates, ext. 6952)

13. **2007-1200** A Resolution of the Governing Board of the South Florida Water Management District accepting the Five-Year Water Resource Development Work Program pursuant to Section 373.536(6)(a)(4), Florida Statutes (John Mulliken, ext. 6649)

14. **2007-1201** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cooperative agreement with Martin County for Cypress Creek Restoration Phase III, in the amount of \$1,300,000, of which the District's total contribution of \$650,000 in dedicated funds (state appropriations) is budgeted; providing an effective date.(Contract Number 4600001243)(Gordon Hu, ext. 6720)

15. **2007-1202** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cooperative agreement with the Jonathan Dickinson State Park for Wild and Scenic River Corridor Exotic/Pest Plant Control, Phase II, in the amount of \$726,000, of which the District's total contribution of \$326,000 in dedicated funds (state appropriations) is budgeted; providing an effective date. (Contract Number 4600001242) (Gordon Hu, ext. 6720)
16. **2007-1203** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cooperative agreement with the Town of Jupiter for the Urban Stormwater Rehabilitation - Phase III, in the amount of \$800,000, of which the District's total contribution of \$400,000 in dedicated funds (state appropriations) is budgeted; providing an effective date. (Contract Number 4600001247) (Gordon Hu, ext. 6720)
17. **2007-1204** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 3-year work order contract, subject to successful negotiations with Jupiter Environmental Lab, one of 4 laboratories selected for Environmental Laboratory Services RFP 6000000116, in an amount not-to-exceed the total funding of \$3,000,000 available for all 4 contracts (4600001102, 4600001104, 4600001106, and 4600001107); of which \$699,901 (\$25,000 in ad valorem funds and \$674,901 in dedicated funds (Comprehensive Everglades Restoration Plan, Water Management Lands Trust Fund, STA Operations and Maintenance, Everglades Restoration Trust Fund, and Critical Projects-Florida Bay)) are budgeted, and the remainder is subject to Governing Board approval of the FY09-FY10 budgets; providing that, if negotiations are unsuccessful with Jupiter Environmental Lab, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001107) (Mike Wright, x4523)
18. **2007-1205** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 3-year work order contract, subject to successful negotiations with Accutest Labs SE Inc., one of 4 laboratories selected for Environmental Laboratory Services RFP 6000000116, in an amount not-to-exceed the total funding of \$3,000,000 available for all 4 contracts (4600001102, 4600001104, 4600001106, and 4600001107); of which \$699,901 (\$25,000 in ad valorem funds and \$674,901 in dedicated funds (Comprehensive Everglades Restoration Plan, Water Management Lands Trust Fund, STA Operations and Maintenance, Everglades Restoration Trust Fund, and Critical Projects-Florida Bay)) are budgeted, and the remainder is subject to Governing Board approval of the FY09-FY10 budgets; providing that, if negotiations are unsuccessful with Accutest Labs SE Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001106) (Mike Wright, x4523)

19. **2007-1206** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 3-year work order contract, subject to successful negotiations with Columbia Analytical, one of 4 laboratories selected for Environmental Laboratory Services RFP 6000000116, in an amount not-to-exceed the total funding of \$3,000,000 available for all 4 contracts (4600001102, 4600001104, 4600001106, and 4600001107); of which \$699,901 (\$25,000 in ad valorem funds and \$674,901 in dedicated funds (Comprehensive Everglades Restoration Plan, Water Management Lands Trust Fund, STA Operations and Maintenance, Everglades Restoration Trust Fund, and Critical Projects-Florida Bay)) are budgeted, and the remainder is subject to Governing Board approval of the FY09-FY10 budgets; providing that, if negotiations are unsuccessful with Columbia Analytical, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001104) (Mike Wright, x4523)
20. **2007-1207** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 3-year work order contract, subject to successful negotiations with ELAB Inc., one of 4 laboratories selected for Environmental Laboratory Services RFP 6000000116, in an amount not-to-exceed the total funding of \$3,000,000 available for all 4 contracts (4600001102, 4600001104, 4600001106, and 4600001107); of which \$699,901 (\$25,000 in ad valorem funds and \$674,901 in dedicated funds (Comprehensive Everglades Restoration Plan, Water Management Lands Trust Fund, STA Operations and Maintenance, Everglades Restoration Trust Fund, and Critical Projects-Florida Bay)) are budgeted, and the remainder is subject to Governing Board approval of the FY09-FY10 budgets; providing that, if negotiations are unsuccessful with ELAB Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001102) (Mike Wright, x4523)

Everglades Restoration Resources

21. **2007-1208** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 5.0 acres, more or less, for the C-111 Canal Project (L-31 North Acquisition Area), in Miami-Dade County, in the amount of \$689,000, and all associated costs for which dedicated funds (Florida Forever Trust Fund) are budgeted; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (Tom Hanaway, ext. 6668)
22. **2007-1209** A Resolution of the Governing Board of the South Florida Water Management District requesting the release of funds from Florida Forever Trust Fund by the Department of Environmental Protection for the acquisition of land interests containing 5.0 acres for the C-111 Canal Project (L-31 North Acquisition Area) in Miami-Dade County, in the amount of \$689,000 and associated costs; providing an effective date. (Tom Hanaway, ext. 6668)

- 23. 2007-1210** A Resolution of the Governing Board of the South Florida Water Management District to approve releasing a portion of the C-29B Canal right of way easement, containing 0.493 acres, more or less, to the underlying fee owner, being a portion of Lots 2 through 11, inclusive, Tract F and Tract R, Waterside Vista, according to the plat thereof recorded in Plat Book 20, Page 149, Osceola County, Florida, subject to satisfaction of certain requirements; providing an effective date. (Carla Segura, ext. 2469)
- 24. 2007-1211** A Resolution of the Governing Board of the South Florida Water Management District to approve declaring surplus land interests containing 10 acres, more or less, previously acquired as part of the C-43 Basin Storage Reservoir Project entrance parcel, in Hendry County, together with an access, egress and utility easement, and donating said land interests to Hendry County to be used for an emergency operations center, subject to a reverter; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; subject to satisfaction of certain requirements; providing an effective date. (Tom Hanaway, ext. 6668)
- 25. 2007-1212** A Resolution of the Governing Board of the South Florida Water Management District authorizing the granting of a natural gas transmission pipeline easement over the L-8 and the L-65 rights of way comprising approximately 262.25 acres, more or less, located in Palm Beach and Martin Counties in settlement of a federal condemnation to be filed by Gulfstream Natural Gas Systems, L.L.C. against the South Florida Water Management District for the approved appraised value of \$567,800; providing an effective date. (Bruce Hall, ext. 6541)
- 26. 2007-1213** A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 0.11 acre, more or less, for the C-4 Flood Mitigation Project, Sweetwater Berm, Phase 4 (Belen Area), in unincorporated Miami-Dade County, in the amount of \$112,710 and associated costs, of which dedicated (FEMA) funds are budgeted; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (Barbara Katz, ext. 6837)
- 27. 2007-1214** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 2-year contract with Atlas Management, Inc., for West Coast CERP project management support and authorize a Waiver of Competition as an exception to the general standards of competition in the amount of \$191,840 of which dedicated funds (Comprehensive Everglades Restoration Plan Fund) in the amount of \$86,764 are budgeted and the remainder is subject to Governing Board approval of the FY09 budget; providing an effective date. (Contract Number 4600001251) (Dewey Worth, ext. 3715)

28. **2007-1215** A Resolution of the Governing Board of the South Florida Water Management District to approve declaring surplus and the exchange of land interests containing 1,057.75 acres, more or less, previously acquired for the Corkscrew Regional Ecosystem Watershed ("CREW") Project, in Collier County, in exchange for land interests containing 1,280.63 acres, more or less, for the CREW Project, in Collier County; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (Tom Hanaway, ext. 6668)

Executive Office

29. **2007-1216** A Resolution of the Governing Board of the South Florida Water Management District for approval of Stipulation for Dismissal With Prejudice of Plaintiff Sharon Gabriels appeal and payment by Sharon Gabriel of the Districts attorneys fees and costs in the amount of \$10,000.00 in the case styled Sharon Gabriel v. South Florida Water Management District, Case No. 50 2004 CA 004488 XXXX MB; providing an effective date. (Robert Panse, Ext. 6279)
30. **2007-1217** A Resolution of the Governing Board of the South Florida Water Management District authorizing a Stipulation for Order of Taking and Final Judgment for \$375,000.00, plus statutory attorneys fees and costs, for which Florida Forever Trust Funds and Ad Valorem Funds are budgeted, for a condemnation action involving approximately 5.10-acres (Tract No. B7-100-128 Froilan Dominguez and Martha Alvarez-Diez), within the C-111/L-31N Canal Project, styled South Florida Water Management District v. Dominguez, et al., filed in the 11th Circuit Court for Miami-Dade County, Florida, Case No. 06-00953-CA-01; providing an effective date. (Keith Williams, Ext. 2791)
31. **2007-1218** A Resolution of the Governing Board of the South Florida Water Management District to authorize entry into a Stipulated Final Judgment/Settlement Agreement for \$313,200 for land, attorneys fees in the amount of \$43,210, and expert witness fees and other costs in the amount of \$3,076.25, for an eminent domain action involving approximately 3.07-acres, more or less, in fee simple (Tract Nos. 19-103-559, 19-103-560 and 19-103-561, Mary M. Cheshire and Revis Bill Cheshire) within the designated boundaries of the Kissimmee River and headwater revitalization project styled South Florida Water Management District v. Mary M. Cheshire, Revis Bill Cheshire and Celeste Smith as Tax Collector for Okeechobee County, Florida, filed in the 19th Circuit Court in and for Okeechobee County, Florida, Case No.: 2006-CA-041, for which dedicated funds (Florida Forever Trust Fund) and ad valorem funds (Okeechobee capital) are budgeted, providing an effective date. (Keith Williams, Ext. 2791)

32. **2007-1219** A Resolution of the Governing Board of the South Florida Water Management District to authorize entry into a Stipulated Final Judgment/Settlement Agreement for \$100,00.00 for land, attorneys fees in the amount of \$25,740.00, and expert witness fees and other costs in the amount of \$1,170.00 for an eminent domain action involving approximately 1.0-acres, more or less, in fee simple (Tract No. 19-103-562, Joanne W. Nelson, Estate of Jack L. Nelson, and Jack L. Nelson Trust U/A within the designated boundaries of the Kissimmee River and Headwater Revitalization project styled South Florida Water Management District v. Joanne W. Nelson, Estate of Jack L. Nelson, and Jack L. Nelson Trust U/A and Celeste Smith as Tax Collector for Okeechobee County, Florida, filed in the 19th Circuit Court in and for Okeechobee County, Florida, Case No.: 2006-CA-40, for which dedicated funds (Florida Forever Trust Fund) and ad valorem funds (Okeechobee Capital) are budgeted, providing an effective date. (Keith Williams, Ext. 2791)
33. **2007-1220** A Resolution of the Governing Board of the South Florida Water Management District to authorize entry into a Stipulated Final Judgment/Settlement Agreement for \$238,000.00 for land, attorneys fees in the amount of \$24,354.00, and expert witness fees and other costs in the amount of \$1,560.00 for an eminent domain action involving approximately 1.33 acres, more or less, in fee simple and perpetual flowage and inundation easement (Tract Nos. 19-103-769 and 19-103-770, Kerry L. Sanders and Deborah Sharp Sanders) within the designated boundaries of the Kissimmee River and headwater revitalization project styled South Florida Water Management District v. Kerry L. Sanders, Deborah Sharp Sanders and Celeste Smith as Tax Collector Okeechobee County, Florida, filed in the 19th Circuit Court in and for Okeechobee County, Florida, Case No.: 2006-CA-043, for which dedicated funds (Florida Forever Trust Fund) and ad valorem funds (Okeechobee Capital) are budgeted, providing an effective date. (Keith Williams, Ext. 2791)
34. **2007-1221** A Resolution of the Governing Board of the South Florida Water Management District to authorize entry into a Stipulated Final Judgment/Settlement Agreement for \$200,000.00 for land, attorneys fees in the amount of \$15,840.99, and expert witness fees and other costs in the amount of \$18,000.00 for an eminent domain action involving approximately 5.57 acres, more or less, for a Perpetual Flowage and Inundation Easement (Tract Nos. 19-103-269 and 19-103-664, W. C. Raulerson a/k/a Walter C. Raulerson and Dorothy Raulerson, within the designated boundaries of the Kissimmee River and Headwater Revitalization Project styled South Florida Water Management District v. W. C. Raulerson, a/k/a Walter C. Raulerson and Dorothy Raulerson, filed in the 19th Circuit Court in and for Okeechobee County, Florida, Case No.: 2006-CA-226, for which dedicated funds (Florida Forever Trust Fund) and ad valorem funds (Okeechobee Capital) are budgeted, providing an effective date. (Keith Williams, Ext. 2791)
35. **2007-1222** A Resolution of the Governing Board of the South Florida Water Management District authorizing a Stipulation for Order of Taking and Final Judgment for \$400,000.00, for which ad valorem funds (Capital Projects Okeechobee) are budgeted, for a condemnation action involving approximately 4.81 acres (Tract No. B7-100-081 Eugenio Miguel), within the C-111/L-31N Canal Project, styled South Florida Water Management District v. Eugenio Miguel, et al., filed in the 11th Circuit Court for Miami-Dade County, Florida, Case No. 07-27356 CA 25; providing an effective date. (Ed Artau, Ext. 6431)

36. **2007-1223** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 2-year agreement with Martin County for All American Blvd. Ditch Retrofit, in the total amount of \$1,300,000, of which the District's total contribution is \$650,000 for which dedicated funds (State Appropriations) are budgeted, providing an effective date. (Contract Number:4600001181)(Kathryn LaMartina, ext. 3603)
37. **2007-1224** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1-year agreement with Martin County for Old Palm City Ph. III Water Quality Retrofit, in the total amount of \$800,000, of which the District's total contribution is \$244,500 for which dedicated funds (State Appropriations) are budgeted, providing an effective date. (Contract Number:4600001184)(Kathryn LaMartina, ext. 3603)
38. **2007-1225** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 2-year agreement with Martin County for Martin County Baffle Boxes, in the total amount of \$374,000, of which the District's total contribution is \$187,000 for which dedicated funds (State Appropriations) are budgeted, providing an effective date. (Contract Number:4600001186)(Kathryn LaMartina, ext. 3603)
39. **2007-1226** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 18 month agreement with Martin County for Leilani Heights/Warner Creek Storm Water Quality Retrofit, in the total amount of \$1,408,750, of which the District's total contribution is \$704,375 for which dedicated funds (State Appropriations) are budgeted, providing an effective date. (Contract Number:4600001187)(Kathryn LaMartina, ext. 3603)
40. **2007-1227** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1-year agreement with Martin County for Jensen Beach Stormwater Retrofit of Existing Development, in the total amount of \$550,000, of which the District's total contribution is \$275,000 for which dedicated funds (State Appropriations) are budgeted, providing an effective date. (Contract Number:4600001185)(Kathryn LaMartina, ext. 3603)
41. **2007-1228** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1-year agreement with Martin County for Tropical Farms/Roebuck Creek Water Quality Retrofit, in the total amount of \$1,000,000, of which the District's total contribution is \$500,000 for which dedicated funds (State Appropriations) are budgeted, providing an effective date. (Contract Number:4600001179)(Kathryn LaMartina, ext.3603)
42. **2007-1229** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 2-year agreement with St. Lucie County for Indian River Estates Stormwater Improvements, in the total amount of \$5,200,000, of which the District's total contribution is \$500,000 for which dedicated funds (State Appropriations) are budgeted, providing an effective date. (Contract Number:4600001220)(Kathryn LaMartina, ext.3603)

43. **2007-1230** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 15 month agreement with the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration, U.S. Department of Commerce for St. Lucie Fish Health as Index of Environmental Quality, in the total amount of \$570,000, of which the District's total contribution is \$285,000 for which dedicated funds (State Appropriations) are budgeted, providing an effective date. (Contract Number:4600001180)(Kathryn LaMartina, ext. 3603)
44. **2007-1231** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 2-year agreement with St. Lucie County for Paradise Park Stormwater Improvements, in the total amount of \$1,000,000, of which the District's total contribution is \$500,000 for which dedicated funds (State Appropriations) are budgeted, providing an effective date. (Contract Number:4600001221)(Kathryn LaMartina, ext.3603)
45. **2007-1232** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1-year agreement with the City of Fort Pierce for Moore's Creek Retrofit Project, in the total amount of \$1,800,000, of which the District's total contribution is \$900,000 for which dedicated funds (State Appropriations) are budgeted, providing an effective date. (Contract Number:4600001188)(Kathryn LaMartina, ext. 3603)
46. **2007-1233** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into four 1-year agreements with Indian River Lagoon License Plate Program qualifying applicants to support habitat restoration, water quality improvement, and associated education projects, located in Palm Beach, St. Lucie and Martin counties, in the total amount not to exceed \$150,272, for which dedicated funds (Indian River Lagoon Tag Fund) are budgeted; providing an effective date. (RFP Number 6000000108) (Kathryn LaMartina, ext. 3603)
47. **2007-1234** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to a Contract with Collier County for the Gateway Triangle Stormwater Improvement Project Phase I, to contribute an additional sum of \$200,000 for which dedicated funds (Big Cypress Basin) are budgeted, and extending the project duration for one year, providing an effective date. (Contract 4600000627)(Max Guerra, ext. 7612)
48. **2007-1235** A Resolution of the Governing Board of the South Florida Water Management District to enter into a 10 month cooperative agreement with Collier County for the Gordon River Water Quality Park in the total amount of \$1,200,000, for which the District's total contribution is \$300,000 in dedicated funds (Big Cypress Basin) are budgeted; providing an effective date. (Contract 4600001224; Max Guerra, ext. 7612)

49. **2007-1236** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Zenith Infoway, Inc. as a Special Procurement using the State of Florida Contract 973-561-06-1, for an SAP Controller Consultant from December 20, 2007 through September 30, 2008, in the amount of \$227,500 for which ad valorem funds are budgeted in FY08, providing an effective date. (Purchase Requisition #10040122, Bernardo Camarena, ext 6421).
50. **2007-1237** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Zenith Infoway, Inc. as a Special Procurement using the State of Florida Contract 973-561-06-1, for an SAP Business Warehouse Consultant from December 14, 2007 through September 30, 2008, in the amount of \$233,700 for which ad valorem funds are budgeted in FY08, providing an effective date. (Purchase Requisition #10040123, Bernardo Camarena, ext 6421).
51. **2007-1238** A Resolution of the Governing Board of the South Florida Water Management District approving a recommendation to the Secretary of State of the State of Florida recommending re-confirmation of Carol Ann Wehle as the Executive Director of the South Florida Water Management District, providing an effective date.

Corporate Resources

52. **2007-1239** A Resolution of the Governing Board of the South Florida Water Management District advising the Department of Environmental Protection of the adopted budget needs for Fiscal Year 2008, utilizing funds from the Water Management Lands Trust Fund; authorizing the Executive Director or her designee to request reimbursement quarterly based on actual expenditures; providing an effective date. (Doug Bergstrom, ext. 6214)

Operations and Maintenance

53. **2007-1240** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 210 day contract with L.J. Clark Construction Incorporated, the lowest responsive and responsible bidder, for the L-62, L-63N, L-63S, L-64 and L-65 Canal Bank Repairs in the amount of \$849,000 for which ad valorem funds are budgeted; providing an effective date. (Contract Number 4600001232) (Alex Garcia, ext. 6186)
54. **2007-1241** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract 4600001053 with the United States Geological Survey-Ft.Lauderdale for additional ground water and surface water monitoring in the St. Lucie Estuary and the Indian River Lagoon, in the amount of \$193,222 for which ad valorem funds in the amount of \$115,000 and dedicated funds (State Appropriations and Comprehensive Everglades Restoration Plan Fund) in the amount of \$78,222 are budgeted; providing an effective date. (Contract Number 4600001053-A01) (Cherry James, ext. 4709)

- 55. 2007-1242** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 180 day contract with Stanford & Sons Trucking Corporation, the lowest responsive and responsible bidder, for the STA-1W Florida Power & Light Midway Levee and Inflow Distribution Levee Repairs, in the amount of \$691,828, for which dedicated funds (Everglades Trust Fund) are budgeted; providing an effective date. (Contract Number 4600001252) (Alex Garcia, ext. 6186)

56. Board Vote on Consent Agenda

Mr. Wade announced his abstention of Regulatory Consent Agenda Item 9, Page 7 #3, Port Mayaca Plantation (Application #070619-16); Regulatory Consent Agenda Item 9, Page 15 #15, Pelican Lake Water Control District (Application #070613-9); Regulatory Consent Agenda Item 9, Page 16 #19, South Florida Conservancy District (Application #070613-8).

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55

Vote called. Voting yes: Michael Collins, Shannon Estenoz, Charles Dauray, Nicolás Gutiérrez, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Not present: Eric Buermann. Motion passed.

Discussion Agenda

Water Resources

57. 2007-1243 Water Shortage Emergency Update & Action Items (Time Certain: 1:30 p.m.)

A.) Modifying restrictions in areas presently under water shortage restrictions additional water shortage declarations, contracts and / or any other necessary actions to address the water shortage conditions (Carol Wehle, ext. 2893; Chip Merriam, ext. 6597)

I.) Enter an Order 1) Rescinding Modified Phase II Severe Water Shortage Restrictions within the Lower West Coast (Order No. 2007-099-DAO-WS), Modified Phase II and Phase III Landscape Irrigation Restrictions within the Lower East Coast (Order No. 2007-406-DAO-WS) and Modified Phase II Landscape Irrigation Restrictions within the Upper East Coast (Order No. 2007-407-DAO-WS), 2) Modifying, as to Landscape Irrigation, Golf Course and Athletic / Recreational Area Uses, Modified Phase III Extreme Water Shortage Restrictions within the Lake Okeechobee Service Area (Order No. 2007-191-DAO-WS), and 3) Imposing Modified Phase III Water Shortage Restrictions within the boundaries of the South Florida Water Management District that are not subject to any other existing water shortage orders.

II.) Enter an Order 1) Rescinding Emergency Water Shortage Restrictions Affecting the Diversion and Impoundment Use Class Permittees within Specified Areas (Order Nos. 2007-054 and 2007-059-DAO-WS), and 2) Imposing Water Shortage Restrictions Affecting Specifically Identified Permittees within the Lower East Coast Region.

B.) A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of \$1,000,000 in ad valorem funds from Managerial Reserves to the Water Supply Program in the Water Resources Area, to support activities associated with the water shortage; providing an effective date (Chip Merriam, ext. 6597)

C.) Lake Okeechobee Conditions and Low Lake Stage Projects (Chip Merriam, ext. 6597)

D.) Authorize 2nd Amendment to the 20th Annual Work Plan for the purpose of authorizing the temporary use of an exploratory well for emergency water supply for livestock for the Seminole Tribe of Florida due to Emergency water shortage conditions (Chip Merriam, ext. 6597)

Chip Merriam, Deputy Executive Director, Water Resources, presented information on the water levels of the Kissimmee Basin, Upper East Coast, Lower East Coast, and Lower West Coast regions. He reported on the current water restrictions and stated the LaNina forecast indicates a drier than normal dry season.

Mr. Merriam reported on the landscape irrigation restrictions and the utility issues which are:

- Irrigation days separated in response to utility operating system concerns.
- Alternative schedule coordinated with utilities in Collier and Lee County.
- Alternative schedule through variance for Cape Coral to manage reclaimed water disposal.
- Encourage pressure reduction goal of 45 psi.

No restrictions for on line flushing; but require signage & direct flow for pervious areas.

Golf Course & Nursery Restrictions:

- 45% cutbacks for golf courses District-wide (weekly on-line reporting required).

Mr. Merriam reported there will be no change to Lake Okeechobee Service Area or Indian Prairie Basin.

Ms. Meeker said utilities who use alternative water supplies have concerns about the water restrictions.

Mr. Merriam provided comment on the Floridan, landscape irrigation, and public outreach on water conservation.

Ms. Estenoz asked about the sensitivity to the Floridan concerning the drought.

Mr. Merriam provided additional information pertaining to the drought and the Floridan wells.

Mr. Collins commented on the Floridan, water restrictions and the impacts to the regional systems.

Ms. Meeker requested staff meet with the Utilities that have high percentages of alternative water supplies and report back to the Board on a case-by-case basis.

Mr. Merriam reported that Highlands Beach is not included in the order because they are using 100 percent alternative water supplies.

Mr. Merriam agreed (from Board direction) to get a blanket order, excluding Highland Beach, and review the orders on a case-by-case basis.

Mr. Merriam reported on the utility companies who have requested exemptions from the water restrictions.

Ms. Meeker provided comment on the nursery growers, drip irrigation and water conservation activities.

Ms. Estenoz provided comment on the variance applications for the water restrictions.

Mr. Merriam reported on the staff's communication with the Florida Nurseries Growers Association.

Mr. Dauray asked about the enforcement of the water restrictions.

Mr. Merriam provided additional information on enforcing the water restrictions.

Mr. Dauray requested the media work with the District in a cooperative effort on the water restrictions.

Public Comment: Erin Deady, representing Lee County Water Utilities, thanked staff for partnering with Lee County Water Utilities and requested an alternative watering schedule.

Public Comment: Michelle Diffenderfer, representing Seminole Improvement District, stated the Seminole Improvement District is working with District staff on regional system. She also was representing the Seminole Tribe of Florida, and reported on the emergency use authorization for the Floridan well on the Brighton Reservation.

Public Comment: Patrick Hayes, Martin County Soil & Water, commented on the District's policy decisions and the distinction of water use.

Public Comment: John Koch, citizen, supports the water restriction program.

Public Comment: Scott Lewis, citizen and landscape business owner, commented on discharges from the District's canals.

Public Comment: Alex Larsen, citizen, commented on water conservation and using Bahia grass.

Public Comment: Patrick Martin, Lake Worth Drainage District (LWDD), said their Board voted yesterday for a 45 percent cutback on diversion and impoundment facilities and said LWDD looks forward to working with District staff on the water restrictions and modeling issues.

Public Comment: Paul Mattausch, Collier County Utility, commented on their capital investments in alternative water supplies. He recommended setting goals for the utilities.

Public Comment: Dan Mercer, City of Naples, recommended staff speak on drought conditions and not water levels.

Public Comment: Sharon Waite, citizen, commented on irrigation and water conservation.

Public Comment: Bruce Adams, EMC Engineers, representing Florida Nursery Growers & Landscape Association (FNGLA), Golf Course Superintendent Association (GCSA), Florida Section American Water Works Association (FSAWWA), commented on landscape irrigation and made recommendations for 2-day-a-week irrigation.

Public Comment: Tim Whelan, FNGLA, commented on landscape irrigation and recommends two-day irrigation with a water conservation campaign.

Public Comment: Dave Self, FNGLA, commented on water conservation and Best Management Practices.

Public Comment: Michael McAmeny, FNGLA Treasure Coast Chapter, does not support one day a week water restrictions.

Public Comment: Bill Schall, University of Florida's Palm Beach Cooperative Extension, made recommendations for two-days-a week irrigation. He reported on the science basis for this recommendation.

There was further Board discussion regarding two-days-a-week water restrictions vs. one-day-a-week water restrictions and enforcement.

Public Comment: Brian Main, Palm Beach County Golf Course Superintendents Association, commented on the tourism industry and operating a golf course.

Public Comment: Steve Pearson, Palm Beach Chapter Golf Course Superintendent Association, reported on the computer software programs that control irrigation systems on the golf courses.

Public Comment: Steven Wright, Palm Beach Golf Course Superintendent Association, provided comment on the drought and requested a Phase 2 or 30% water restriction.

Public Comment: Stanley Hess, citizen, provided comment on the water draining onto his property.

Public Comment: Drew Martin, Sierra Club, commented on golf courses and water irrigation and recommended xeriscape golf courses and xeriscape landscaping.

Public Comment: Rony Joel, representing the City of Marco Island, reported on the City's Aquifer, Storage, and Recovery (ASR) wells and reverse osmosis.

After further Board discussion, Mr. Collins amended the motion to have staff review the variance applications not relying on the the surficial system.

Mr. Merriam reported on Regulatory Consent Agenda Item 9, Page 3 #6, Sabal Bay (Application #040728-9).

Motion made by Michael Collins and seconded by Shannon Estenoz to approve the Agenda Item 57(A)(I). Mr. Collins amended his motion to approve Item 57(A)(1) and to approve Regulatory Consent Agenda Item 9, Page 3 #6, Sabal Bay (Application #040728-9) but withhold the use pending further discussion at the January Governing Board meeting. Vote called. Voting Yes: Buermann, Collins, Dauray, Estenoz, Gutiérrez, Meeker, Rooney, Thornton, and Wade. Motion passed.

Motion made by Michael Collins and seconded by Shannon Estestoz to approve the Agenda Item 57(A)(II). Vote called. Voting Yes: Buermann, Collins, Dauray, Estenoz, Gutiérrez, Meeker, Rooney, Thornton, and Wade. Motion passed.

Motion made by Michael Collins and seconded by Nicolás Gutiérrez to approve the Agenda Item 57(B). Vote called. Voting Yes: Buermann, Collins, Dauray, Estenoz, Gutiérrez, Meeker, Rooney, Thornton, and Wade. Motion passed.

Motion made by Michael Collins and seconded by Shannon Estestoz to approve the Agenda Item 57(D). Vote called. Voting Yes: Buermann, Collins, Dauray, Estenoz, Gutiérrez, Meeker, Rooney, Thornton, and Wade. Motion passed.

59. Orange County Utilities Water Supply Augmentation System

A.) Consideration of an Interagency Agreement between the South Florida Water Management District and the St. Johns River Water Management District concerning delegation of consumptive use permitting responsibilities associated with the Orange County Utilities Water Supply Augmentation System to the South Florida Water Management District (Keith Smith, ext. 6620)

B.) Deny Water Use Permit Application Number 060516-41 for a project known as Orange County Utilities Water Supply Augmentation System (Supplemental Reclaimed Water) for withdrawal of water from the C-29 and C-29A canals (Orange County) (Keith Smith, ext. 6620)

There was no presentation provided.

Public Comment: Anthony Cotter, representing Orange County Utilities commented on reducing water demands because of water conservation.

Public Comment: Rosa Durando, Audubon Society, Lake Worth, opposes interdistrict sharing of waters.

Motion made by Michael Collins and seconded by Shannon Estestoz to approve the Agenda Item 59(A). Vote called. Voting Yes: Buermann, Collins, Dauray, Estenoz, Gutiérrez, Meeker, Rooney, Thornton, and Wade. Motion passed.

Motion made by Michael Collins and seconded by Shannon Estestoz to approve the Agenda Item 59(B). Vote called. Voting Yes: Buermann, Collins, Dauray, Estenoz, Gutiérrez, Meeker, Rooney, Thornton, and Wade. Motion passed.

60. Deny Water Use Permit Application 060410-18 for a project known as St. Cloud Surface Water Treatment Augmentation Facility (Supplemental Reclaimed Water) for withdrawal of water from East Lake Tohopekaliga (Osceola County) (Keith Smith, ext 6620)

There was no presentation provided.

Public Comment: Justin Hertzberg, representing City of St. Cloud commented on the basis of the denial of this permit.

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 60

Vote called. Voting yes: Michael Collins, Shannon Estenoz, Charles Dauray, Nicolás Gutiérrez, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Not present: Eric Buermann. Motion passed.

61. 2007-1244 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cooperative agreement with Martin County for Kitching Creek Restoration - Phase V, in the amount of \$2,000,000, of which the District's total contribution of \$1,000,000 in dedicated funds (state appropriations) is budgeted; providing an effective date. (Contract Number 4600001244)(Sean Sculley, ext. 6109)

No presentation was provided.

Motion made by Melissa Meeker, seconded by Michael Collins to Approve the following item(s): 61

Vote called. Voting yes: Melissa Meeker, Michael Collins, Eric Buermann, Charles Dauray, Shannon Estenoz, Nicolás Gutiérrez, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 62. CERP-Discussion - Approve Environmental Resource Permit Modification**
Application 070620-3 for conceptual approval with construction and operation of the master surface water management system and roadway to serve a 1,159.78 acre rural ranchette development known as Hobe Sound Polo Club within a 1,758.50 acre site (Martin County) (Robert Brown, ext. 6283)

Robert Brown, Director, Environmental Resource Regulation, presented information on this agenda item.

Public Comment: Patrick Hayes, Martin County Soil & Water, supports this permit modification in Martin County. He commented on the volume runoff approach vs. rate runoff into the estuaries.

Mr. Brown said the permit meets the criteria and reported on the Unified Statewide Stormwater rule.

Motion made by Melissa Meeker, seconded by Michael Collins to Approve the following item(s): 62

Vote called. Voting yes: Melissa Meeker, Michael Collins, Eric Buermann, Charles Dauray, Shannon Estenoz, Nicolás Gutiérrez, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 63. CERP-Discussion - Approve Environmental Resource Permit Application 070606-18**
for construction of a 77.3 acre rock pit for a project known as Atlantic Civil/SDI Property (Miami-Dade County) (Robert Brown, ext. 6283)

Robert Brown, Director, Environmental Resource Regulation, presented information on this agenda item.

Public Comment: Sara Fain representing National Parks Conservation Association (NPCA), said this parcel serves as critical habitat for endangered species and is surrounded by wetlands.

Public Comment: Robert Hartsell representing NPCA and Tropical Audubon, requested the Board postpone this permit application or deny it without prejudice, and bring it back to the Board as one permit.

Public Comment: Drew Martin, Sierra Club, commented on restoring the natural habitat sheetflow and requested the Board deny this permit application.

Public comment: Steve Walker representing Atlantic Civil, Inc., supports staff's recommendation.

Chair Buermann requested this application be deferred.

Mr. Gutiérrez supports staff's recommendation.

Mr. Brown reported on the mining operation of this parcel.

Mr. Collins provided comment on the land acquisitions and not being able to use it as a flow-way.

Mr. Dewey Worth provided additional information on the proposed mining.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 63

Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Charles Dauray, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Voting no: Eric Buermann. Abstained: Shannon Estenoz. Motion passed.

Everglades Restoration Resources

- 64. 2007-1245** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract 3600000433 with the Village of Wellington for Phase 2 of the Acme Basin B Project, which includes (a) design and construction of the Section 24 Impoundment, Inflow Pumping Station, related inflow/outflow water control and conveyance infrastructure and related project features in the not-to-exceed amount of \$21,500,000, which is within the established budget and of which dedicated funds (Everglades Restoration Trust Fund) in the amount of \$1,500,000 are budgeted and the remainder is subject to Governing Board approval of the FY09-FY10 budgets; and (b) South Florida Water Management District's conveyance to Village of Wellington the land interests of approximately 368.12 acres necessary for the Project, and (2) Declare as surplus the land interests to be conveyed to the Village of Wellington; providing an effective date. (Contract Number 3600000433-A02) (Jorge A. Jaramillo, Ext. 4021)

No presentation was provided.

Public Comment: Rosa Durando, Audubon Society, Lake Worth, commented on Peacock Pond and equine residuals.

Public Comment: Alex Larsen, citizen, commented on surplus lands in Wellington.

Public Comment: Drew Martin, Sierra Club, commented on the water flow during a flood situation.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 64

Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

65. 2007-1246 A Resolution of the Governing Board of the South Florida Water Management District to:

(1) Authorize eminent domain proceedings for the acquisition of certain lands consisting of 1,772.53 acres, more or less, subject to adjustments based on an approved survey, for the Indian River Lagoon - South CERP Project, in St. Lucie County, to be styled South Florida Water Management District vs. Evans Properties, Inc., and filed in the 19th Circuit Court for St. Lucie County, Florida, and;

(2) Approve entering into a stipulated order of taking and a stipulated final judgment in the above eminent domain action, in the amount of \$50,498,700, together with Growth Factor of \$1,997,504.13, and any associated costs, for which dedicated funds (Natural Resources Conservation Service - Wetlands Reserve Program) are available subject to a budget amendment and dedicated funds (Save Our Everglades Trust Fund) are available and for which the remaining monies will be paid thereafter from legally available funds, as well as statutory attorneys' fees, expert fees, and costs in the amount of \$4,892,791.42, for which ad valorem funds (CERP ad valorem) are available, and for which the remaining monies will be paid thereafter from legally available funds; authorize budget transfers of dedicated funds (Save Our Everglades Trust Fund) from CERP program support to Indian River Lagoon-South (CERP Project); and of CERP ad valorem funds from Biscayne Bay Coastal Wetlands (CERP Project) to Indian River Lagoon-South (CERP Project); approve declaring surplus, disposal of, and removal from the asset records of any structures or improvements deemed unnecessary for the stated purpose of the land acquisition; approve entering into a negotiated lease as part of the stipulated final judgment; and authorize the General Counsel or a legal officer designated by the General Counsel to execute a stipulation for order of taking and final judgment; and providing an effective date. (B. Schaeffer, ext. 2985)

Ruth Clements, Director, Land Acquisition and Management Department, presented information on this agenda item.

Public Comment: Alex Larsen, citizen, commented on the future 1300 acres that will need to be acquired.

Motion made by Melissa Meeker, seconded by Shannon Estenoz to Approve the following item(s): 65

Vote called. Voting yes: Melissa Meeker, Shannon Estenoz, Eric Buermann, Michael Collins, Charles Dauray, Nicolás Gutiérrez, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

66. 2007-1247 A Resolution of the Governing Board of the South Florida Water Management District requesting the release of funds from Florida Forever Trust Fund by the Department of Environmental Protection for the acquisition of land interests containing 1,772.53 acres, more or less, subject to adjustments based on an approved survey, in the total amount of \$50,498,700.00 and associated costs, together with Growth Factor in the total amount of \$1,997,504.13, and statutory attorneys' fees, expert fees and costs in the amount of \$4,892,791.42; for the Indian River Lagoon - South CERP Project in St. Lucie County, Florida; providing an effective date. (Bob Schaeffer, ext. 2985)

Ruth Clements, Director, Land Acquisition and Management Department, presented information on this agenda item.

Motion made by Melissa Meeker, seconded by Nicolás Gutiérrez to Approve the following item(s): 66

Vote called. Voting yes: Melissa Meeker, Nicolás Gutiérrez, Eric Buermann, Michael Collins, Charles Dauray, Shannon Estenoz, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 67. 2007-1248** A Resolution of the Governing Board of the South Florida Water Management District requesting the release of funds from Save Our Everglades Trust Fund by the Department of Environmental Protection for the acquisition of land interests containing 1,772.53 acres, more or less, subject to adjustments based on an approved survey, in the total amount of \$50,498,700.00 and associated costs, together with Growth Factor in the total amount of \$1,997,504.13; for the Indian River Lagoon - South CERP Project in St. Lucie County, Florida; providing an effective date. (Bob Schaeffer, ext. 2985)

Ruth Clements, Director, Land Acquisition and Management Department, presented information on this agenda item.

Motion made by Melissa Meeker, seconded by Nicolás Gutiérrez to Approve the following item(s): 67

Vote called. Voting yes: Melissa Meeker, Nicolás Gutiérrez, Eric Buermann, Michael Collins, Charles Dauray, Shannon Estenoz, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

Executive Office

- 68. 2007-1249** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 6 month cooperative agreement with the City of Marco Island for the Septic Tank Replacement Program in the total amount of \$18,600,000, for which the District's total contribution is \$1,000,000 in dedicated funds (Big Cypress Basin) are budgeted, providing an effective date. (Contract 4600001222) (Max Guerra, extension 7612.)

No presentation was provided.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 68

Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 69. 2007-1250** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a one year cooperative agreement with Collier County for the construction of the Lely Area Stormwater Improvement Project (LASIP), Royal Wood Lake Interconnects Project in the total amount of \$2,167,790 for which the District's total contribution is \$1,000,000 of dedicated funds (Big Cypress Basin) are budgeted, providing an effective date. (Contract 4600001219) (Max Guerra, ext. 7612)

No presentation was provided.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 69

Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 70. 2007-1251** A Resolution of the Governing Board of the South Florida Water Management District to enter into a one year cooperative agreement with the City of Naples for the Naples Basin III, Naples Basin V, and Naples Linear Park - Stormwater Management System Improvements, in the total amount of \$7,730,000, for which the District's total contribution is \$1,500,000 of dedicated funds (Big Cypress Basin) are budgeted; providing an effective date. (Contract 4600001223; Max Guerra, ext. 7612)

No presentation was provided.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 70

Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 71. 2007-1252** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1-year agreement with Martin County for Danforth Creek Storm Water Quality Retrofit, in the total amount of \$2,000,000, of which the District's total contribution is \$1,000,000 for which dedicated funds (State Appropriations) are budgeted, providing an effective date. (Contract Number:4600001182)(Kathryn LaMartina, ext. 3603)

No presentation was provided.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 71

Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

- 72. 2007-1253** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 2-year agreement with Martin County for Manatee Pocket Dredging Project, in the total amount of \$2,650,000, of which the District's total contribution is \$1,300,000 for which dedicated funds (State Appropriations) are budgeted, providing an effective date. (Contract Number:4600001183)(Kathryn LaMartina, ext. 3603)

No presentation was provided.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 72

Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

Corporate Resources

- 73. 2007-1254** A Resolution of the Governing Board of the South Florida Water Management District to authorize issuing a purchase order to Harris Stratex Networks, Inc. and authorize a Waiver of Competition as an exception to the general standards of competition, for microwave equipment and installation, in the amount of \$11,431,000 of which \$1,280,000 in ad valorem and \$250,000 in dedicated funds are budgeted in FY08, and the remainder is subject to Governing Board approval of the FY09-FY10 budgets; providing an effective date. (Purchase Requisition Number 10037271) (Aaron Read, ext. 2261)

Sharon Trost, Director, Information Technology, presented information on this agenda item.

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 73

Vote called. Voting yes: Michael Collins, Shannon Estenoz, Eric Buermann, Charles Dauray, Nicolás Gutiérrez, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

74. Public Comment

Public Comment: Paul Neumeister, Safety and Equipment, thanked the Board for supporting his school.

Public Comment: Jacquie Weisblum, Audubon of Florida, commented on the wetland opportunities and the environmental resource permitting program.

Public Comment: Panagoti Tsolkos, Palm Beach County Environmental Coalition, commented on climate change.

Public Hearing

Water Resources

75. Public Hearing Continued from Nov. 15, 2007

1) Adopt amendments to Rules 40E-2.091, 40E-2.301, 40E-2.321, 40E-2.331, 40E-2.381, 40E-20.011, 40E-20.091, 40E-20.301, 40E-20.302, 40E-20.321, 40E-20.331 and 40E-20.381, F.A.C., and the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District", to address permitting criteria applicable within the Central Florida Coordination Area, and to update references to the Basis of Review. (Keith Smith, ext. 6620)

Close Public Hearing

Chair Buermann continued the Public Hearing.

Keith Smith, Deputy Director, Water Supply Department, presented information on this agenda item.

Public Comment: Alex Larsen, citizen, commented on sunseting on some of these rules.

Public Comment: Eric Olsen, representing Marcy Development, commented on the Central Florida Coordination rules.

Public Comment: Tim Perry, representing Osceola County and Toho Water Authority, supports staff's recommendation on the rule amendments.

Chair Buermann closed the Public Hearing.

Motion made by Harkley Thornton, seconded by Michael Collins to Approve the following item(s): 75

Vote called. Voting yes: Harkley Thornton, Michael Collins, Eric Buermann, Charles Dauray, Shannon Estenoz, Nicolás Gutiérrez, Melissa Meeker, Patrick Rooney, Malcolm Wade. Motion passed.

Everglades Restoration Resources

76. 2007-1255 Open Public Hearing

A Resolution of the Governing Board of the South Florida Water Management District adopting the SFWMD Florida Forever Work Plan, 2008 Annual Update, contained in Chapter 6A, Volume II of the South Florida Environmental Report; providing an effective date. (Wanda Simpson, ext. 6445)

Close Public Hearing

Chair Buermann opened the Public Hearing.

Ms. Clements presented information on this agenda item.

Chair Buermann closed the Public Hearing.

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 76

Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.

Staff Reports

77. General Counsel Report - Sheryl Wood

There was no report provided.

78. Executive Director's Report - Carol Wehle

Ms. Wehle reported on the Susan G. Komen Foundation fundraiser and stated there are 432 District team members and the District has raised over \$25,000.

Mr. Olliff reported on Consent Agenda Item 51 and also on the Board's annual evaluation process of the Executive Director's contract.

79. Board Comment

There was no Board Comment.

Mr. Gutiérrez congratulated the District's Flight Operations Department and Chairman Buermann for being featured in an upcoming article of Professional Pilot magazine.

Adjournment

80. Adjourn

Chair Buermann adjourned the meeting at 5:20 pm.

Eric Buermann
Chairman
South Florida Water Management District Governing Board

Recorded By:

Cathy Widness
Administrative Assistant Senior
Governing Board and Executive Services
SFWMD

Motion made by Michael Collins, seconded by Nicolás Gutiérrez to Approve the following item(s): 80

Vote called. Voting yes: Michael Collins, Nicolás Gutiérrez, Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Patrick Rooney, Harkley Thornton, Malcolm Wade. Motion passed.